



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

**DEC 09 2008**

Ref: EPR-N

Ms. Valerie Nottingham, Chief  
Environmental Quality Branch  
Division of Environmental Protection  
Office of Research Facilities  
National Institutes of Health, B13/2W64  
9000 Rockville Pike  
Bethesda, Maryland 20892

Re: Rocky Mountain Laboratories Campus  
Master Plan and Draft Environmental  
Impact Statement  
CEQ # 20080398

Dear Ms. Nottingham:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Rocky Mountain Laboratories (RML) Campus Master Plan and its associated Draft Environmental Impact Statement (DEIS). Our comments are provided in accordance with our authorities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C) and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. The National Institutes of Health (NIH) proposes to implement the RML Master Plan, which calls for an expansion and upgrade of the RML campus, while establishing development guidelines for future growth. The DEIS examined the impacts of implementing the Master Plan as-is (the preferred alternative) as well as a no-action alternative and a capacity growth alternative, which would entail more RML campus growth than the proposed action.

The DEIS is well-organized and concise, with a clearly presented comparative analysis of the preferred alternative, no-action alternative, and the capacity growth alternative. EPA commends the NIH for its planned use of Best Management Practices (BMPs) and Low Impact Development (LID) such as installing bioretention cells for capturing stormwater runoff and installing exterior lighting with good house-side shields to limit campus trespass light into the surrounding neighborhood. EPA's main concerns stem from the lack of any mention of potential impacts to public health and safety or potential environmental justice impacts.

As mentioned in the attached detailed comments, EPA is concerned with the DEIS's lack of analysis of safety and security impacts of the RML campus expansion. New facilities are proposed, and EPA recommends including an analysis of how infectious diseases and pathogens



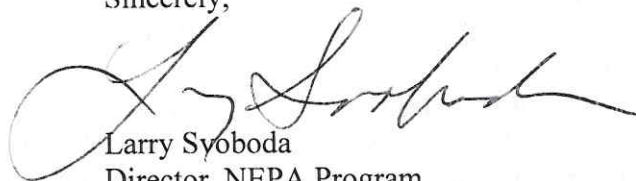
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will be contained in the new research facilities, as well as how such pathogens are monitored. Currently there is absolutely no discussion of containment measures or monitoring protocols, either in the Draft Master Plan or the DEIS. Additionally, EPA requests information on whether there are any potential Environmental Justice impacts from the proposed action. Presumably the residents living near the campus could be adversely affected by the expansion, despite all the BMPs and LID that are implemented to minimize adverse impacts. And while EPA is pleased with the inclusion of noise-reduction measures such as installing a silencer in the incinerator stack, these measures only take effect after construction is complete. EPA is concerned with excess noise during the construction phase and suggests consideration of implementing noise-reducing measures during construction. In addition, EPA is also concerned about the effect implementing the RML Master Plan will have on area particulate emissions.

Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, EPA rates this DEIS as EC-2 (Environmental Concerns-Insufficient Information). The "EC" rating indicates that EPA's review has identified environmental impacts that should be avoided in order to fully protect the environment. The "2" rating indicates that EPA has identified additional information, data, analyses or discussion that should be included in the Final EIS (FEIS). A full description of EPA's rating criteria is enclosed.

Enclosed are EPA's detailed comments. These comments are intended to help ensure a comprehensive assessment of the project's environmental impacts, adequate public disclosure and an informed alternative selection process. If you have any questions regarding our comments on the DEIS, please do not hesitate to call me at 303-312-6004 or Rachel Eichelberger of my staff at 303-312-6008.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Syoboda", is written over a horizontal line.

Larry Syoboda  
Director, NEPA Program  
Office of Ecosystems Protection and Restoration

Enclosure



## **Detailed Comments on the Rocky Mountain Labs Draft Master Plan and Associated Draft Environmental Impact Statement**

### **Water and Wastewater**

The DEIS states that the current City of Hamilton Department of Public Works (CHDPW) wastewater plant is currently operating at or near capacity and capacity expansion measures are planned. Implementing the RML Master Plan will put further strain on the system. However, page 3-12 states that “No campus expansion plans are contingent upon action by CHDPW.” Please explain this apparent inconsistency.

### **Exterior Lighting**

EPA commends NIH and RML for committing to using exterior light fixtures with good “house side shields” or good “cut-off” optics to minimize trespass light impacts on the surrounding community.

### **Noise**

EPA commends NIH and RML for instituting a noise policy to limit ambient noise levels at the property lines. However, the measures and technologies implemented to reduce noise only deal with the RML campus in operation, not under construction. EPA is concerned with excess noise during the construction phase and recommends noise-reducing measures be implemented during construction.

### **Air Quality**

EPA is concerned about the effect implementing the RML Master Plan will have on area particulate emissions, since the expansion will necessitate the need for the incinerator to be in-use for five or more days per week instead of the current four. This could be a potential concern, since air quality monitoring data indicate that Ravalli County is currently just below the threshold for exceedances of the 24-hour PM<sub>2.5</sub> standard (Particulate Matter less than 2.5 microns), and future significant areawide increases in PM<sub>2.5</sub> could result in potential future designation of the area as a PM<sub>2.5</sub> non-attainment area. EPA appreciates the inclusion of the Medical Waste Disposal Alternatives report in the DEIS.

### **Stormwater**

EPA commends NIH and RML for committing to using bioretention cells and other LID technologies and methods to reduce stormwater runoff.

### **Wetlands, Floodplains, and Riparian Areas**

EPA is pleased that no development will occur in wetlands, floodplains, or riparian areas.

## **Transportation**

EPA questions whether a park-and-ride system was fully examined as an alternative to expanding RML campus parking. The DEIS states that such a system was mentioned at a public meeting as a possible alternative.

## **Public Health and Safety**

The DEIS and Draft Master Plan contain no mention of potential public health and safety concerns. Public health and safety concerns associated with the proposed long-term Master Plan should be thoroughly analyzed and disclosed in the revised Plan or Final EIS. The potential for escape or accidental or deliberate release of disease causing infectious agents as well as toxic or hazardous contaminants from the proposed facility should be included among health and safety concerns. Handling and disposal of infectious agents and toxic or hazardous waste materials should be addressed. The Plan and/or FEIS should also address potential mechanisms (e.g., accidents, earthquakes, fire, security breaches, terrorist attack, etc.) and pathways (e.g., air, water, solid waste, animal, insect) by which such escape, transmission, discharge, contamination and/or release of pathogens or disease causing agents could occur, and incorporate measures proposed to prevent and contain such release mechanisms and pathways and environmental contamination (e.g., containment procedures, positive-pressure air supply, chemical decontamination and decontamination at high temperature, air purification, water treatment, limited access, security programs, response to terrorism, community population protection, protocols for handling or responding to a potential exposure, etc.). In addition the Plan should consider medical facilities and support to address potential exposures at the facility and in the community. Consideration should also be given to animal pathogens and measures to prevent and contain infectious agent impacts to animal populations.

## **Environmental Justice**

The DEIS made no mention of Environmental Justice issues. The FEIS should mention whether any disproportionate adverse effects could be experienced by minority or low-income populations, and if so, what mitigation measures will be used to alleviate them. Detailed guidance on addressing Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," in NEPA documents is available from the Council on Environmental Quality, <http://ceq.eh.doe.gov/nepa/rcgs/ej/justice.pdf>, and EPA [http://www.epa.gov/compliance/resources/policies/ej/ej\\_guidance\\_nepa\\_epa0498.pdf](http://www.epa.gov/compliance/resources/policies/ej/ej_guidance_nepa_epa0498.pdf) [http://www.epa.gov/compliance/resources/policies/nepa/enviro\\_justice\\_309review.pdf](http://www.epa.gov/compliance/resources/policies/nepa/enviro_justice_309review.pdf).